

71-2, p. 28). In addition, there is nothing in the SOP which indicates that an inmate was required to make a written request for a formal grievance form, only that an inmate had to complete the informal grievance procedure before pursuing his grievance through the formal procedures. (Dkt. No. 122-3, p. 10).

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Defendants' Motion for Summary Judgment¹ is **GRANTED**. Plaintiff's Motion for Summary Judgment is **DENIED**. Plaintiff's Complaint is **DISMISSED**, without prejudice, due to his failure to exhaust his available administrative remedies prior to filing his cause of action. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 27 day of February, 2012.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ The undersigned notes Plaintiff's assertion that Defendants' Motion for Summary Judgment should have been treated as a motion to dismiss. It is apparent the Magistrate Judge treated Defendants' Motion as such, and labeling the Defendants' Motion as one for summary judgment is irrelevant to the disposition of this case.